

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP MATTHEW WEBER,

Defendant.

8:08CR125

ORDER

Defendant Phillip Matthew Weber (Weber) appeared before the court on July 18, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 56). Weber was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Weber waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find the Petition alleges probable cause and Weber should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Weber declined to present any evidence or request a hearing on the issue of detention. Since it is Weber's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Weber has failed to carry his burden and that Weber should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on August 28, 2014**. Defendant must be present in person.

2. Defendant Phillip Matthew Weber is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 18th day of July, 2014.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge